

ESA Overview Module 5 – Section 9 Prohibited Acts Text

Section 9 Prohibited Acts – Plants (Slides 17- 20)

Now, about plants: prohibitions for plants can be confusing. The Endangered Species Act does not provide the same level of protections to plants as it does for wildlife.

In general, destruction of plants and their habitats is not prohibited. There is no actual “take” prohibition for plants; a major difference that many people do not realize. However, keep in mind that even if individual plants are not well-protected under Section 9 of the ESA, Federal agencies still have consultation requirements under Section 7. In other words, Federal agencies do have to consider how their actions may affect listed plants just as they do for listed animals.

The import and export of plants is regulated. Destruction of plants is only prohibited under certain conditions. If a listed plant is on Federal property, it cannot be picked or maliciously destroyed. If a listed plant is in a state that has a protective law, it is given protection under that state law or regulation. You'll occasionally hear the term “remove and reduce to possession” in prohibitions. A plant collector would be affected and is a good example, where a plant or its parts are taken from Federal property and are kept or transplanted elsewhere for the collector's use and enjoyment. That would be an illegal activity

It is also unlawful to:

- Deliver, receive, carry, transport, or ship in interstate or foreign commerce, in the course of a commercial activity, any listed plants;
- Sell, or offer for sale in interstate or foreign commerce, any listed plant, that's unlawful.

It's also unlawful to violate any regulation regarding an endangered species, or a threatened species of plant that's listed under Section 4 of the Endangered Species Act. So in other words, any other regulation that was put in place to protect these plants

Now we begin some exercises to tell how well you have learned and can apply the information you've just heard related to ESA prohibitions. You will be presented with several scenarios, followed by questions, in Exercise 17. Once you have completed this part, you will be prompted to continue to Exercise 18, another series of quiz questions. Then you'll proceed to the conclusion of this lesson.